

REMARKS

Claims 1-5, 7, 9, 11, 12, 14, 15, 18-27, 81 and 82 have been rejected under 35 U.S.C. §103(a) as being obvious over Eckhardt (previously of record) in view of Levitt (previously of record) and Leach et al (WO 02/25789, newly cited). Claims 8-10 have been rejected as being obvious over these references further combined with Aamodt; claims 16 and 17 have been rejected as obvious over Eckhardt, Levitt, and Leach further combined with Provost; and claim 28 has been rejected as being obvious over Eckhardt, Levitt, and Leach further combined with either Tuman or Heindel. These rejections are respectfully traversed in view of the following remarks.

The Examiner acknowledges that Eckhardt does not teach that the fibers of the woven or nonwoven fibrous cover sheet are encapsulated by the resin of the distal ends of the projections. Levitt is not cited to supply such a teaching -- as discussed in Applicants' previous response, Levitt does not disclose fibers or a fibrous substrate at all, nor does Levitt bond anything to the distal ends of his projections.

The Examiner cites Leach (WO 02/25789) to provide a teaching of encapsulating fibers as recited in Applicants' claims. However, as acknowledged by the Examiner, Leach does not teach encapsulating fibers in the resin of projections (stems). Instead, Leach discloses encapsulating a loop component in the resin of the back side of the base, while the base is still on the mold roll, with the mold cavities protecting the hooks from damage.

Applicants respectfully submit that this teaching of Leach would not have led the artisan to believe that fibers could successfully be encapsulated in the resin of projections. A teaching of encapsulating fibers in the resin of the base, while the hooks are still in the mold cavities, would not have suggested to the artisan that fibers could be encapsulated in the resin at the distal end of the stems without deleteriously affecting the stems.

Moreover, the goal of Eckhardt is to releasably affix the cover sheet to the fastener members. There is nothing in Leach or the other art of record that would have led the artisan to believe that encapsulating fibers of Eckhardt's cover sheet in resin of the distal ends of the fastener members would accomplish this releasable attachment. Instead, the artisan would more likely have believed that such encapsulation would result in a bond that would damage the cover sheet and/or fastener members during separation. Levitt does not suggest that his process could

be used to form a releasable bond, or in fact any type of bond; Levitt is solely concerned with heating projections in order to deform their distal ends and form fastener heads. As discussed above, in Leach bonding is between the back side of the base sheet and the loop component, and is intended to be permanent, not releasable.

Thus, for at least these reasons the artisan would not have been motivated to combine the teachings of Levitt and Leach with those of Eckhardt, and even if the artisan had been so motivated would not have had a reasonable expectation of success.

In view of the above, Applicants respectfully request that the rejection of claims 1-5, 7, 9, 11, 12, 14, 15, 18-27, 81 and 82 as obvious over Eckhardt in view of Levitt and Leach et al be withdrawn.

Regarding the rejections of claims 8-10, 16, 17, and 28 as being obvious over the references discussed above further combined with other secondary references, Appellants respectfully submit that, as the noted deficiencies of the primary references are not resolved by any teaching of these secondary references, or by reference to general knowledge of one of merely ordinary skill, claims 8-10, 16, 17, and 28 are allowable for at least the reason that they depend from allowable base claim 1.

It is believed that no fees are due with this submission. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 05918-256001.

Respectfully submitted,

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/Celia H. Leber/  
Celia H. Leber  
Reg. No. 33,524

Fish & Richardson P.C.  
225 Franklin St.  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

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